

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WILLIAM S. TEAS,

Plaintiff,

-vs-

Case No. 16-cv-00452-bbc.

DALIA SULIENE, KARL HOFFMAN,
KAREN ANDERSON, MEREDITH MASHANK,
LILLIAN TENEBRUSO, NANCY WHITE,
ANTHONY ASHWORTH, LUCAS WEBER,
JANEL NICKEL, KEVIN BOODRY,
MICHAEL DITTMAN, JAMES GREER,
SCOTT BAUER and JAMES KOTTKA,

Defendant[s].

NOTICE OF APPEAL

Notice is hereby given that Defendant, Williams S. Teas [DOC: 379021-A], pro se, above named, hereby Appeals to the United States Court Of Appeals for the Seventh Circuit, from the [Opinion And Order] Granting Summary Judgment to all the above-named Prison Official Defendant[s] listed above, Dated and Filed on September 17, 2019 (Attachments: #1-1/A)/[Dkt. #116:1 & 30], With Judgment In A Civil Case filed thereon, on September 17, 2019 (Attachment - #2)/[Dkt. #117]. With Dismissal of the State Law [Negligence] Claims, with possibility of refiling such supplemental jurisdiction claim(s), if they remain within the applicable Wisconsin Statute of Limitations [Dkt. 116:30]/(Att. #1/A). Regarding the Denial of Medical Treatment and Pain Relief Supportive Item(s)/Conditions receipt of Chronic Condition need and pain relief, quality of life allowance.

Plaintiff-Appellant, William S. Teas, pro se, does hereby serve Notice Of Appeal, upon all relevant parties, to be litigated to the United State Court Of Appeals for the Seventh Circuit, regarding all Issue(s) upon which "Summary Judgment" was Granted to the Columbia Correctional Institution, Prison Official(s) and Medical Staff by the Honorable Barbara B. Crabb, presiding District Court Judge here (Att-#2)/[Dkt. #117].

Dated this 17th day of October, 2019. Portage; Wisconsin.

WST-OBM/File.
Attachments: #1-1/A & #2.
(#03-Pages Total).

Respectfully Filed By:

William Teas
William S. Teas, #379021A
[Pro Se], In Forma Pauperis.
Columbia Correctional Institution
Post Office Box 900 / CCI-Unit-#1.
Portage; Wisconsin. 53901-0900

xc: E-Mail/Service;
Eliot M. Held, AAG.
P.O. Box 7857/SDOJ.
Madison; Wis. 53707

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WILLIAM TEAS,

Plaintiff,

v.

DALIA SULIENE, KARL HOFFMAN,
KAREN ANDERSON, MEREDITH MASHANK,
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ANTHONY ASHWORTH, LUCAS WEBER,
JANEL NICKEL, KEVIN BOODRY,
MICHAEL DITTMAN, JAMES GREER,
SCOTT BAUER and JAMES KOTTKA,

Defendants.

OPINION AND ORDER

16-cv-452-bbc

Pro se plaintiff William Teas is proceeding in this case on claims that several employees of the Columbia Correctional Institution violated his rights under the Eighth Amendment, the Americans with Disabilities Act, the Rehabilitation Act and Wisconsin law, by failing to provide him adequate treatment and accommodations for chronic back pain. Now before the court is defendants' motion for summary judgment. Dkt #75. Defendants argue that plaintiff cannot show that they consciously disregarded his serious medical needs, ignored any substantial risk of serious harm or failed to provide accommodations for his disabilities. I agree with defendants. Although I am sympathetic to plaintiff's ongoing pain, he has failed to submit evidence showing that any of the individual defendants violated his rights under federal law. Accordingly, I will grant defendants' motion for summary judgment as to plaintiff's claims under the Eighth Amendment, Americans with Disabilities Act and

on plaintiff's ADA and Rehabilitation Act claims.

C State Law Claims

Plaintiff is proceeding on state law negligence claims against defendants Suliene, Hoffman, Anderson, Mashak, Tenebruso and White. The general rule is that federal courts should relinquish jurisdiction over state law claims if all federal claims are resolved before trial. 28 U.S.C. § 1367(c)(3); Burritt v. Ditlefsen, 807 F.3d 239, 252 (7th Cir. 2015). In this instance, I will decline to exercise supplemental jurisdiction over plaintiff's state law claims because I am granting summary judgment to defendants on all of the federal claims. Plaintiff may refile these claims in state court, subject to the applicable Wisconsin statute of limitations.

ORDER

IT IS ORDERED that

1. Plaintiff William Teas's motion to strike summary judgment declarations, dkt. #113, is DENIED

2. The motion for summary judgment filed by defendants Dalia Suliene, Lillian Tenebruso, Nancy White, Karen Anderson, Meredith Mashak, Anthony Ashworth, Janel Nickel, Scott Bauer, James Kottka, Kevin Boodry, Lucas Weber, Michael Dittman and James Greer, dkt. #75, is GRANTED

3. Plaintiff's state law negligence claims against defendants Suliene, Hoffman,

Attachment - #2.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WILLIAM TEAS,

Plaintiff,

Case No 16-cv-452-bbc

v.

DALIA SULIENE, KARL HOFFMAN,
KAREN ANDERSON,
MEREDITH MASHANK,
LILLIAN TENEBRUSO,
NANCY WHITE,
ANTHONY ASHWORTH,
LUCAS WEBER, JANEL NICKEL,
KEVIN BOODRY,
MICHAEL DITTMAN, JAMES GREER,
SCOTT BAUER AND JAMES KOTTKA,

Defendants

JUDGMENT IN A CIVIL CASE

IT IS ORDERED AND ADJUDGED that judgment is entered in favor of
defendants dismissing this case.

/s/

Peter Oppeneer, Clerk of Court

09/17/2019

Date

Mr. William S. Teas #379021-A.
Columbia Correctional Institution
Post Office Box 900 / CCI-Unit-#1.
Portage; Wisconsin. 53901-0900

October 17, 2019.

Mr. Peter Oppeneer, Clerk Of Courts.
United States District Court for
the Western District Of Wisconsin.
120 North Henry Street, Room: #320.
Madison; Wisconsin. 53703

Re: William S. Teas v. Dalia Suliene, et al.,
USDC Case No. 16-cv-00452-bbc/7th Cir. Appeal
Case No. 19-_____; "Notice Of Appeal" With
Attachments #1-1/A and #2.

Dear Clerk Of Courts:

Please find enclosed with this Cover-Letter forwarding for
Date Of Placement With Columbia Correctional Institution, E-Mail/
Filing Clerk System operations. Pro Se [Prisoner] Plaintiff-
Appellant, Notice Of Appeal (#02-Pages) With Attachments: #1-1/A
and #2 (#03-Pages). Herein, please find the E-Filed "Original"
Drafts of these listed Material, for immediate Clerk Of Courts
Office Docketing, with Legally Considered "Filed" Date that so
listed above, in [Prisoner] Certification of such Placement hereof
with the Columbia Correctional Institution, Library E-Mail/Filing
Clerk, Ms. Victoria G. Troemel, Librarian, Procedural processing
Workers.

It is additionally requested that One(1) E-Mail Copy forward-
ing, be Served upon the Named Defendant(s), Counsel Of Record, Wis-
consin Assistant State Attorney General, Eliot M. Held. Located at
the Wisconsin State Department Of Justice, Post Office Box 7857,
Madison; Wisconsin. 53707-7857. That said service of the Listed
Five(5) Pages of this "Notice Of Appeal" Filing, be executed in
accordance with the E-Mail/Filing/Service Program System, that all
Columbia Correctional Institution, Pro Se [Indigent] Prisoner Liti-
gants are mandated to submit all pleadings to the Clerk Of Courts
Office via, since May 01, 2017.

Pro Se [Prisoner], William S. Teas, does hereby "Certify" that
this Notice Of Appeal With Attachments #1-1/A & #2, was placed with
the Columbia Correctional Institution, Library, E-Filing Clerk Ms.
Victoria G. Troemel, via placement with said Library Processing
Workers, in accordance with the Library Regulations hereon, for her
Same day E-Mailing to the Clerk Of Courts Office for the Western
District Of Wisconsin. Thus, Timely under Houston v. Lack, 487 U.S.
266, 273-276, 108 S.Ct. 2379 (1988), as so asserted by Declaration
here, by Pro Se Plaintiff.

WST-OBM/File.

Enclosure:

- a.] Notice Of Appeal;
- b.] Attachments: #1-1/A & #2;
(#05-Pages Total).

Declarant:

William Teas
William S. Teas.